

### **List of Documents Being Withheld Pursuant to Exemption 5:**

**DP= Deliberative Process.** This record has been withheld because it is exempt from disclosure under FOIA Exemption 5 (Deliberative Process/Draft).

**AC= Attorney Client Privilege.** This record has been withheld because it is exempt from disclosure under FOIA Exemption 5 (Attorney-Client Privilege).

1. Eleven (11) Draft Technical Support Documents (TSD's) from EPA Region III Air Protection Division (APD) related to EPA's proposed SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland. **DP.** Draft TSDs also contain advice from EPA attorneys, Mike Thrift, EPA's Office of General Counsel (OGC) and Donna Mastro, EPA's Region III's Office of Regional Counsel (ORC). **AC.**
2. Eight (8) emails containing correspondence among EPA Region III's APD staff and Regional Administrator's office, including as attachments two (2) "Hot Issues Papers" briefing Regional Administrator and seeking approval of staff recommendations for decision on continuing permit issues for Energy Answers facility. **DP.**
3. Three (3) emails between APD staff and EPA ORC attorney Donna Mastro concerning modeling for proposed SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland. **DP. AC.**
4. Twenty seven (27) emails among APD's Division Director, Associate Director and Acting Associate Director (Office of Permits and State Programs), and APD staff person, seeking situational briefings and directing staff actions concerning continuing permit issues for Energy Answers facility. **DP.**
5. Three (3) Emails between Mike Thrift, EPA's OGC, and Donna Mastro, EPA's ORC, concerning EPA position on proposed SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland. **AC.**
6. One (1) email between Mike Thrift, EPA's OGC, and Donna Mastro, EPA's ORC, concerning Energy Answers modeling and SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland. **AC.**
7. One (1) email among Donna Mastro, EPA's ORC, and APD staff and Associate Director concerning prior Energy Answer's modeling for the SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland. **AC. DP.**
8. Two (2) emails from Donna Mastro, EPA's ORC, to Mike Thrift, EPA's OGC, concerning Energy Answers' emissions and SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland. **AC. DP.**
9. Four (4) emails among Mike Thrift, EPA's OGC, and EPA's OAR staff and Region 5 Air Division staff, concerning comments on draft TSD for SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland. Attachment to email is Region III's draft TSD for designation of Wagner area. **AC. DP.**
10. Two (2) Emails between Mike Thrift, EPA's OGC, and Donna Mastro, EPA's ORC, concerning comments on draft TSD supporting SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland. Attached to email is Region III's draft TSD for designation of Wagner area. **AC. DP.**

11. Seven (7) Emails between Mike Thrift, EPA's OGC, and Donna Mastro, EPA's ORC, concerning SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland and available information for modeling. **AC. DP.**
12. One email from Mike Thrift, EPA's OGC, to Andy Chang, EPA's OAR, forwarding information from Maryland submitted to EPA on December 3, 2015, concerning SO<sub>2</sub> designation of area around Wagner generating station in Maryland. **DP. AC.** [Maryland information in attachment has been released.]
13. Email between Mike Thrift, EPA's OGC, and Donna Mastro, EPA's ORC, concerning SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland and available information for modeling forwarding internal email from Donna Mastro to Region III's APD staff concerning modeling for Energy Answers. **AC. DP.**
14. Email from Donna Mastro, EPA's ORC, to Mike Thrift and Kristi Smith, EPA's OGC, discussing SO<sub>2</sub> designation for area around Wagner Generating Station in Maryland and forwarding documents submitted December 3, 2015 from Maryland concerning the designation. **AC. DP.** [Documents submitted by Maryland have been released.]